

## **REMARKS**

Claims 5-13, 20, 21, 23-40, 42-45 and 51-58 are pending in the instant application. Claims 5-13, 20, 21, 23-40, 42-45 and 51-58 have been rejected by the Examiner. Claim 21 has been amended and claims 11 and 40 have been cancelled. The Applicant submits that claims are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

### **Claim Rejections - 35 U.S.C. § 112**

Claim 21 has been amended to rectify the antecedent basis issue.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 11-13, 53-56 and 58 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,431,666 to Sauer et al.

In relevant part, claims 12-13, 53-56 and 58 represent an improvement (by the same inventor) over the device of the '666 patent by inclusion of a guide wire port on a distal portion of the device. Thus, where the '666 device must be inserted and placed via cannula, the presently claimed device may be threaded onto an existing guide wire that will direct the device into place.

While, the Examiner points to item 40 in the '666 patent, indicating that this is a guide wire channel, we must note that this is instead a needle channel within the body of the device, and not a distal guidewire channel.

Reconsideration and allowance of the claims are respectfully solicited in light of the above.

### **Claim Rejections - 35 U.S.C. § 103**

Claims 51, 5-10, 20-21, 23-39 and 42-45 have been rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,431,666 to Sauer et al.

As was noted above, the present claims represent improvements (by the same inventor) over the device of the '666 patent. Claim 51 provides an improved securing mechanism for

ferrule holders by, rather than using glues or simple friction fits, provides projections and grooves to better secure the ferrule holder on the tongue. This is not so much a matter simply providing separable components where they were once integral. Rather, this solves a real problem with regard to the possibility of the ferrule holders coming loose during surgery. Thus, reconsideration and allowance are respectfully solicited.

### CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that the claims be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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